



0300 #5

Our Ref. No.: 82225.P0189R

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:)
M. Powell et al.)
Serial No.: 08/887,680)
Filed: July 3, 1997)
For: METHOD AND APPARATUS FOR)
EXTENDING COMPUTER)
ARCHITECTURE FROM 32 TO 64 BITS)

PETITION PURSUANT TO 37 C.F.R. 1.47(b)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Sun Microsystems, Inc. (hereinafter "Sun") hereby petitions to have the above-captioned reissue application made by Sun on behalf of and as agent of Michael Powell, Robert Cmelik, David Ditzel and Edmund Kelly, joint inventors of the subject matter claimed in the application. A declaration on behalf of one of the joint inventors, Shing Kong, is submitted herewith. The last known address of Michael Powell is 2305 Emerson Street, Palo Alto, California 94301. The last known address of Robert Cmelik is 1024 Chula Vista Terrace, Sunnyvale, California 94086. The last known address of David Ditzel is 4010 Page Mill Road, Los Altos Hills, California 94022. The last known address of Edmund Kelly is 5277 Rio Grande Drive, San Jose, California 95136.

The pertinent facts in support of this petition are that the above-mentioned inventors, who are former employees of Sun, have

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refused to execute a Declaration pursuant to 37 CFR 1.175. In particular, on October 21, 1997, U.S. Patent No. 5,430,864, which is the subject of the reissue application, new Claims 17-38, and Declaration and Power of Attorney for Reissue application were forwarded to the above-named inventors at their last known addresses who were requested to review the new claims and execute the provided Declaration. Additionally, the inventors were requested to call the undersigned or Steve Chessin, a current employee of Sun, if they had any questions at all. A copy of each letter forwarding the application to the inventors is attached hereto as **Exhibit 1**.

As of the date last written below, except for the Declaration of Shing Kong, none of the Declarations have been provided, and none of the inventors have called the referenced employee of Sun, or the undersigned who prepared the Declaration and above-referenced October 21, 1997 letter.

Accordingly, in order to preserve the rights of Sun with respect to the claimed subject matter, and to prevent irrevocable damage to Sun by virtue of Sun not being able to obtain patent protection for an invention created by the above-mentioned inventors as employees of Sun, the granting of this petition is requested.

Sun is the proper entity to execute the Declaration on behalf of the above-mentioned inventors since such inventors have assigned the invention to Sun as evidenced by **Exhibit 2** attached hereto which is an assignment of the patent rights in the

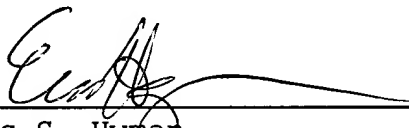
invention to Sun which was executed by the inventors when the application which resulted in U.S. Patent No. 5,430,864 was filed.

The required petition fee of \$130.00 is submitted herewith for this petition and \$110.00 for the petition fee for filing the declaration within one month of the December 1, 1997 due date is also submitted herewith. Applicant also petitions for a one month extension of time. Please charge any additional amounts due or credit any overpayment to deposit account 02-2666 in the name of Blakely, Sokoloff, Taylor & Zafman. A duplicate of this sheet is enclosed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date December 15, 1997


Eric S. Hyman
Reg. No. 30,139

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington, D.C.

on 12/15 1997
Lynda Shapiro 12/15/97
Lynda Shapiro Date